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| UNITED STATES DISTRICT COURT | | ELECTRONICALLY FILED |
| SOUTHERN DISTRICT OF NEW YORK | X | DOC #: |
| IN RE: FOSAMAX PRODUCTS LIABILITY LITIGATION | : | DATE FILED: 8/12/68 |
| FOSAMAX PRODUCTS LIABILITY LITIGATION | : | |
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| This Document Relates to All Actions | : | 06 MD 1789 (JFK) |
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| | : | <u>ORDER</u> |
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| JAMES C. FRANCIS IV | | |

A pretrial conference having been held on July 25, 2008, it is hereby ORDERED as follows:

UNITED STATES MAGISTRATE JUDGE

- 1. By August 15, 2008, Merck shall identify all countries in which it conducts causality assessments in order to comply with requirements to report adverse reactions.
- 2. By September 15, 2008, Merck shall produce all causality assessments and underlying service documents.
- 3. Plaintiffs shall proceed with the deposition of Ann DiPapp and may examine her regarding the purported paucity of documents produced from her custodial file. If it is ultimately determined that additional relevant documents from her file were not produced in a timely fashion, she may be recalled for further examination. In addition, counsel are encouraged to agree on a method for producing a random sample of documents from Ms. DiPapp's file which were identified by the keyword search but were deemed not to be relevant and therefore were not initially produced.

4. The next regularly-scheduled pretrial conference shall be held on September 26, 2008, at 9:30 a.m. in courtroom 18-D.

SO ORDERED.

JAMES C. FRANCIS IV UNITED STATES MAGISTRATE JUDGE

Dated: New York, New York July 29, 2008

Copies mailed this date:

Randi Kassan, Esq. Sanders Viener Grossman 100 Kerricks Rd. Mineola, New York

Solman Clum, Esq.
James Green, Esq.
Michelle Parfitt, Esq.
Ashcroft & Gerel, LLP
100 L Street, N.W. -Suite 400
Washington D.C. 20036

Christopher Seegar, Esq. Jeffrey Grand, Esq. Seegar Weiss, LLP One William Street New York, New York 10004

Timonth M. O'Brien, Esq. Levin, Papantonio, Thomas, Mitchell, Echsner & Proctor, P.A. 316 South Baylen Street, Suite 600 Pensacola, FL 32502

Van Andrus, Esq. Andrus, Boudreaux, Lemoine & Tonore 1775 Sherman Street Denver, CO 80203 William J. Beausoleil, Esq. Norman C. Kleinberg, Esq. Theodore Mayer, Esq. Cecily C. Williams Hughes Hubbard Reed LLP 1 Battery Park Plaza New York, NY 10004

Russel H. Beatie, Jr., Esq. Daniel A. Osborn, Esq. Beatie & Osborn 521 Fifth Avenue, 34th Floor New York, New York 10175

Paul F. Strain, Esq.
M. King Hill, III, Esq.
Christina L. Gaarder, Esq.
David J. Heubeck, LLP
Venable LLP
1800 Mercantile Bank & Trust Building
2 Hopkins Plaza - Suite 1800
Baltimore, MD 21201

Ethan D. Stein, Esq. Gibbons, Del Deo, Dolan Griffinger & Vecchione One Pennsylvania Plaza, 37th Floor New York, New York 10119

Joe G. Hollingsworth, Esq. Spriggs & Hollingsworth 13501 1 Street, N.W. Washington, D.C. 20005

James H. Neale, Esq. Fulbright & Jaworski LLP 666 Fifth Avenue New York, New York 10103

Louis Battista, Esq. Krupnick, Campbell, Malone 700 S.E. Third Avenue, Suite 100 Fort Lauderdale, FL 33316

Annesley DeGaris, Esq. Cory, Watson, Crowder & DeGaris, PC 2131 Magnolia Avenue Birmingham, AL 35205 James Dugan, II, Esq. Murray Law Firm 909 Poydras Street, Suite 2250 LL&E Tower New Orleans, LA 70112

Robert G. Germany, Esq. Pittman, Germany, Roberts & Welsh, LLP 410 S. President Street Jackson, MS 39201

Anthony Irpino, Esq. Irpino Law Firm One Canal Place 365 Canal Street, Suite 2290 New Orleans, LA 70130

Tina Nieves, Esq. Gancedo & Nieves 119 E. Union Street, Suite G Pasadena, CA 91103

Shelly Sanford, Esq. Goforth Lewis Sandord LLP 1111 Bagby, Suite 2200 Houston, Texas 77002

Jerry Taylor, Esq.
Beasley, Allen Crow, Methvin, Portis & Miles, PC
218 Commerce Street
Montgomery, AL 36104